

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**DOUGLAS I. HORNSBY, Administrator
of the Estate of CYNTHIA GARY,**

Plaintiff,

v.

Case No. 2:22-cv-427

**UNITED STATES of AMERICA,
and
METRO MACHINE CORP., d/b/a
GENERAL DYNAMICS NASSCO-NORFOLK,
and
HARBOR INDUSTRIAL SERVICES, INC.,
and
COASTAL MECHANICAL SYSTEMS, LLC,
and
ADVANCED INTEGRATED TECHNOLOGIES, LLC,
and
KD SHIPYARD REPAIRS, LLC,
and
CECO ENVIRONMENTAL CORP.,**

Defendants.

**DEFENDANT METRO MACHINE CORP.
MEMORANDUM IN SUPPORT OF CONSENT MOTION
FOR EXTENSION OF TIME TO ANSWER PLAINTIFF’S AMENDED COMPLAINT**

Plaintiff, Douglas I. Hornsby, Administrator of the Estate of Cynthia Gary ("Plaintiff"), filed an Amended Complaint on March 10, 2023. (ECF No. 21). Plaintiff requested, and the Clerk issued, a Summons for Defendant Metro Machine Corp., d/b/a General Dynamics NASSCO-Norfolk ("Metro Machine") (ECF No. 14). Plaintiff served Metro Machine through its Registered Agent on March 23, 2023 thus setting the date to answer, plead or otherwise respond to the Amended Complaint at April 13, 2023 (ECF No. 29).

Although the Registered Agent was served with a copy of the Summons and Amended

Complaint that was filed against Metro Machine, there was a delay in the time that Metro Machine received the Summons and Complaint from the Registered Agent. Metro Machine contacted Williams Mullen regarding representation on April 14, 2023. Williams Mullen immediately initiated the firm's internal conflict checks protocol. The conflict check was not cleared until April 17, 2023 and the engagement was finalized on April 17, 2023.

Counsel contacted Plaintiff's counsel to discuss the error and to request an extension of time to answer, plead, or otherwise respond to the Amended Complaint to allow time to gather and investigate the relevant facts in this matter, including a review of the allegations set forth in Plaintiff's Amended Complaint. Plaintiff's counsel represented he had no objection to the requested extension through May 4, 2023.

CONCLUSION

For the reasons set forth above, Defendant respectfully request that the Court issue an Order, in accordance with the agreement of the parties, to grant an extension for Defendant to answer, plead, or otherwise respond to Plaintiff's Amended Complaint on or before May 4, 2023.

Respectfully submitted,
METRO MACHINE CORP.,
D/B/A GENERAL DYNAMICS NASSCO-
NORFOLK

By: /s/ Lynn K. Brugh, IV
Lynn K. Brugh, IV
Virginia State Bar No. 36778
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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April 2023, I electronically filed the foregoing Memorandum with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Robert J. Haddad Andrew M. Hendrick RULOFF, SWAIN, HADDAD, MORECOCK, TALBERT & WOODWARD, P.C. 317 30 th Street Virginia Beach, VA 23451 rhaddad@srgslaw.com ahendrick@srgslaw.com <i>Counsel for Plaintiff</i>	James L. Chapman, IV CRENSHAW, WARE & MARTIN, P.L.C. 150 W. Main Street, Suite 1923 Norfolk, Virginia 23510 jchapman@cwm-law.com <i>Counsel for Defendant KD Shipyard Repairs, LLC</i>
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